

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

REGINALD GRANT §
§
v. § CIVIL ACTION NO. 3:22-CV-0439-S-BH
§
AMAZON.COM SERVICES LLC §

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

() The request for leave to proceed *in forma pauperis* on appeal is GRANTED.

(X) The request for leave to proceed *in forma pauperis* on appeal [ECF No. 63] is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on September 1, 2023 [ECF No. 52]. Based on that filing, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is also denied because Plaintiff has not established that he is a pauper. Plaintiff's *in forma pauperis* affidavit shows that he has an average monthly income of \$3,600, \$500 in cash and checking accounts, and assets valued at \$10,000, with \$2,895 in total monthly expenses, which sums reflect sufficient funds to pay the applicable filing fees on appeal.

(X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, Plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See FED. R. APP. P. 24(a)(5).

SO ORDERED.

SIGNED December 11, 2023.



UNITED STATES DISTRICT JUDGE